

REMARKS

Summary of the Office Action

The Office Action of June 16, 2004, begins by discussion the restriction requirement entered in the previous action, and the basis for making the requirement final. As a result, applicants acknowledge the withdrawal of claims 4-11 from further consideration at this time, and reserve the right to file a divisional application drawn to the subject matter of claims 4-11 at a later date.

The Office Action continues by noting an alleged failure by applicants to file a certified copy of the priority document, EP 02102130.8, pursuant to 35 U.S.C. 119(b).

The Office Action further requests the inclusion of a Brief Description of the Drawing pursuant to MPEP § 608.01(f) and 37 CFR 1.74.

The Office Action enters an objection to the specification on the basis that the specification improperly incorporates essential material therein by reference to a foreign application, patent, or publication. Any amendment must be accompanied by an affidavit or declaration stating that the amended material consists of the same material incorporated by reference in the application.

Finally, the Office Action enters a provisional nonstatutory double patenting rejection as to claims 3, 14, 18-20 and 22 over claims of co-pending application no. 10/629,242, and as to claims 1, 2, 12-13, 15-17 and 21 over co-pending application no. 10/630,492.

Discussion

The Alleged Failure to Submit a Certified Copy of EP 02102130.8

Applicants' records indicate that a formal claim of priority including a certified copy of EP 02102130.8 was filed on July 28, 2003. A copy of the formal priority claim, first page of the certified copy, and date stamped post card acknowledging receipt of same (dated July 28, 2003) by the USPTO is attached.

Correction of USPTO records to reflect the submission and receipt of the certified copy is respectfully requested.

The Disclosure Objection

Page 4 of the application as filed contains a brief description of Figure 1. In view of the inclusion of this description, applicants submit that the objection should be withdrawn. If

In re Appln. of ANDRIESSEN
Application No. 10/628,618

the examiner believes that a heading entitled "Brief Description of the Drawing" is desirable, applicants authorize entry of an Examiner's Amendment to that effect.

The Provisional Double Patenting Rejection

Applicants submit herewith a terminal disclaimer relative to co-pending application nos. 10/629,242 and 10/630,492. Withdrawal of this rejection is respectfully requested.

The Incorporation of Essential Material into the Specification

The Office Action has not specifically identified which material is considered to be "essential material" as defined in MPEP 608.01(p). Applicants would be pleased to address this rejection upon further clarification of the disclosure incorporated by reference the examiner considers to be "essential material." Absent any such identification, it is respectfully submitted that the objection be withdrawn.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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Date: September 16, 2004

Amendment or ROA - Regular (Revised 7/29/03)